

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

One Ashburton Place: Room 503
Boston, MA 02108
(617) 727-2293

JOSEPH MINOIE,
Appellant,

v.

G1-14-180

TOWN OF BRAINTREE,
Respondent.

Appearance for Appellant:

Pro Se
Joseph Minoie

Appearance for Respondent:

Brian Maser, Esq.
Kopelman and Paige, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110

Commissioner:

Christopher C. Bowman

DECISION

On July 28, 2014, the Appellant, Joseph Minoie (Mr. Minoie), pursuant to G.L. c. 31, § 2(b), filed this appeal with the Civil Service Commission (Commission), contesting the decision of the state's Human Resources Decision (HRD) to allow the Town of Braintree (Town)'s request to remove Mr. Minoie's name from the Town's current eligible list of candidates for police officer pursuant to Section 9 of the Personnel Administration Rules (PAR.09). A pre-hearing conference was held on August 26, 2014 at the offices of the Commission. A full hearing was held at the same location on September 29, 2014.¹ The full hearing was digitally recorded.²

¹ The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR §§ 1.00 (formal rules) apply to adjudications before the Commission with Chapter 31 or any Commission rules taking precedence.

FINDINGS OF FACT:

Twenty-eight (28) exhibits were entered into evidence at the hearing. Based on those exhibits, the stipulated facts, the testimony of:

Called by the Town:

- Russell W. Jenkins, Braintree Police Chief;

Called by the Appellant:

- Joseph Minoie, Appellant;

and taking administrative notice of all matters filed in the case, including a Commission decision related to Mr. Minoie's prior bypass appeal (Minoie v. Town of Braintree, 27 MCSR 216 (2014) (Prior Bypass Decision) and pertinent statutes, regulations, policies, and reasonable inferences from the credible evidence, I make the following findings of fact:

1. Mr. Minoie is thirty (30) years old. He is married and has one (1) child with his current wife. He moved to Abington in April 2014, but he previously resided in Braintree. He graduated from Braintree High School and is currently attending Massasoit Community College. He also received a certificate in automotive technology from the Universal Technical Institute in Norwood in 2008. (Testimony of Mr. Minoie and Exhibit 20)
2. Mr. Minoie served in the United States Army and/or the Army National Guard from 2003-2011. During this time period, he was deployed to Kuwait, Iraq and Korea. (Testimony of Mr. Minoie)
3. The instant non-selection is at least the third time that the Town has not selected Mr. Minoie for appointment, but the first time that it asked HRD to remove Mr. Minoie's name from the

² If there is a judicial appeal of this decision, the plaintiff in the judicial appeal would be obligated to supply the court with a transcript of this hearing to the extent that he/she wishes to challenge the decision as unsupported by substantial evidence, arbitrary or capricious, or an abuse of discretion. In such cases, this CD should be used by the plaintiff in the judicial appeal to transcribe the recording into a written transcript.

eligible list of candidates, thus preventing his name from appearing on any Certifications generated from the current eligible list, which will expire on or about October 31, 2015.

Prior Non-Selections

4. Mr. Minoie took the Civil Service Exam in April 2011 and received a score of 98. (Prior Bypass Decision)
5. Mr. Minoie submitted an application packet on August 30, 2011. A sergeant by the name of Curtin completed the background investigation. (Prior Bypass Decision)
6. Mr. Minoie responded to Question 14 of that employment application that his only residence had been Braintree, MA. He did not include residences from his service in the Army. Question 46 on the Supplemental Application further requested all police contacts and residences not provided in the employment application or during the interview. The Appellant responded “N/A.” (Prior Bypass Decision)
7. For every candidate’s residence, Sgt. Curtin contacted the local police, local sheriff’s department and that state’s State Police to check for interaction that did not result in criminal charges – and thus would not appear on a Criminal Offender Registry Information check or national “Triple I” check. Because of Mr. Minoie’s truncated responses in the application packet, Sgt. Curtin was unable to complete this part of the investigation. (Prior Bypass Decision)
8. Mr. Minoie responded to Question 47 on a Supplemental Application that he had never been subject to a restraining order. (Prior Bypass Decision)
9. Mr. Minoie submitted his final divorce decree to the Department as part of his application packet. As part of the background investigation, Sgt. Curtin attempted to reach Mr. Minoie’s ex-wife. He was unsuccessful, but was able to reach her divorce attorney. The attorney

advised Sgt. Curtin that temporary restraining orders had issued as part of the couple's divorce proceedings in Bexar County, TX, with Mr. Minoie as Respondent. The attorney further informed the sergeant of a domestic violence incident in Fayetteville, NC. (Prior Bypass Decision)

10. Sgt. Curtin contacted the Fayetteville Police Department and obtained a copy a police report of a domestic violence incident involving Mr. Minoie. The police report showed that on April 15, 2009, Mr. Minoie and his ex-wife were staying in a motel in Fayetteville, NC. Around 12:21 a.m., Mr. Minoie allegedly struck his ex-wife in the head with his hand, almost knocking her down. She then called motel security and asked for police assistance. When the Fayetteville Police Officer arrived on scene, he observed very minor redness on the ex-wife's left ear. The ex-wife informed the officer that she wanted the incident documented because she and Mr. Minoie were in the midst of a separation and custody dispute. The police officer advised the ex-wife of her right to press charges, advised Mr. Minoie to find other lodgings for the night and advised both parties to have no further contact with each other for the rest of the evening. Mr. Minoie said that he would return to his base, and the ex-wife said that she would leave for Texas in the morning. (Prior Bypass Decision)
11. Sgt. Curtin also reviewed medical records that showed that on the day of the domestic incident, the ex-wife sought medical attention for a head injury, neck injury and earache in her left ear. She was prescribed narcotics for pain management. (Prior Bypass Decision)
12. The Bexar County courthouse also sent Sgt. Curtin a copy of the Agreed Final Decree of Divorce, which was signed and dated March 8, 2010. The judge granted Mr. Minoie's ex-wife sole managing conservatorship of the couple's minor daughter after finding that Mr. Minoie's parental possession or access to the child would endanger the physical or emotional

welfare of the child. The judge further ordered Mr. Minoie to turn over all photographs of the child, originals and copies, to the ex-wife via her attorney. (Prior Bypass Decision)

13. Sgt. Curtin informed Sgt. Cohoon of Mr. Minoie's omissions of the restraining order, the incident of domestic violence and the omission of his Texas and North Carolina addresses. Sgt. Cohoon then reported Sgt. Curtin's findings to the then-Deputy Chief, now-Chief Russell W. Jenkins. (Prior Bypass Decision)
14. After conferring with Sergeants Cohoon and Curtin about the omissions in Mr. Minoie's application packet, Chief Jenkins ordered Sgt. Curtin to end the background check, but kept Mr. Minoie on the candidate interview list. (Prior Bypass Decision)
15. At his interview, a panel, which included now-Chief Jenkins, questioned Mr. Minoie about the domestic violence omissions and the restraining order omissions in his application packet. Mr. Minoie attributed the incidents to his "vindictive" ex-wife. He also denied knowledge of the January 23, 2009 and February 6, 2009 temporary restraining orders although they were part of the divorce proceedings, stating that he was deployed in Iraq at the time. When questioned about the language in his March 8, 2010 divorce decree, Mr. Minoie stated that his imminent deployment caused him to sign a document that acknowledged that his physical presence was not in the best interests of his biological own child. (Prior Bypass Decision)
16. According to Mr. Minoie's Army orders, he was not deployed until April 13, 2009, more than two months after the restraining orders were issued. (Prior Bypass Decision)
17. When the interview panel inquired about his failure to list the April 15, 2009 domestic violence incident in Fayetteville, NC, Mr. Minoie did not answer. (Prior Bypass Decision)

18. The interview panel concluded that not only had Mr. Minoie interviewed badly, but that he was also untruthful and that the omissions from his application packet were intentional. The panel did not recommend him to the chief for employment. (Prior Bypass Decision)
19. In December 2012, the Town sought a certification from the state's Human Resources Division (HRD) for original appointments to the position of police officer. (Prior Bypass Decision)
20. Mr. Minoie's name appeared on the Certification, and he signed that he was willing to accept appointment. The Town bypassed him. (Prior Bypass Decision)
21. Mr. Minoie did not appeal that bypass to the Commission. (Prior Bypass Decision)
22. In January 2013, the Town sought a certification from HRD for original appointments to the position of police officer. Due to issues raised during the course of his background investigation and his previous interview, the Department bypassed Mr. Minoie again in a letter dated July 12, 2013. (Prior Bypass Decision)
23. Mr. Minoie appealed the July 12, 2013 bypass to the Commission. (Prior Bypass Decision)
24. On March 20, 2014, the Commission issued a decision, adopting the findings and conclusion of a Magistrate which stated, in relevant part that, "The Town of Braintree had reasonable justification to bypass the Appellant for original appointment to the position of permanent full-time police officer. The Appellant failed to respond truthfully and completely to the questions in the application packet, failed to disclose an incident of domestic violence and failed to disclose two restraining orders." (Prior Bypass Decision)

Instant PAR.09 Removal

25. On June 15, 2013, Mr. Minoie took the civil service examination for police officer and received a score of 98. (Stipulated Fact) His name was added to an eligible list that was

created by HRD on October 15, 2013. The eligible list is set to expire on October 31, 2015.

(HRD Information Packet Dated August 20, 2014 (HRD Packet))

26. Chief Jenkins's son, who was also a candidate, was ranked below Mr. Minoie on the same eligible list. (HRD Packet)
27. On May 6, 2014, Chief Jenkins penned a letter to HRD asking that Mr. Minoie and two (2) other candidates³ be removed, pursuant to PAR.09, from the eligible list. (HRD Packet)
28. PAR.09 (2) states: If an appointing authority concludes the appointment of a person whose name has been certified to it would be detrimental to the public interest, it may submit to the administrator a written statement giving in detail the specific reasons substantiating such a conclusion. The administrator shall review each such statement, and if he agrees, he shall remove the name of such person from the certification and shall not again certify the name of such person to such appointing authority for appointment to such position.” (HRD has traditionally interpreted this language to prevent the individual from appearing on any further Certifications *generated from the existing eligible list*, as opposed to being a permanent prohibition.)
29. In his May 6, 2014 letter to HRD, Chief Jenkins summarized the reasons for seeking the PAR 09 removal of Mr. Minoie, including all of the reasons referenced in the prior bypass and the fact that the Commission had affirmed that prior bypass. (HRD Packet)
30. Various part of that letter confirm that Chief Jenkins was the individual making the request, including:

³ The names of the two (2) other candidates are redacted on this letter. However, one of the other candidates who was removed from consideration based on Chief Jenkins's letter also filed an appeal with the Commission, but subsequently withdrew his appeal. See CSC Case No. G1-14-178. That candidate's name was also ranked above that of Chief Jenkins's son.

- Paragraph 1: “Pursuant to Personnel Administration Rule 09 (PAR 09), **I** am requesting the removal of three individuals from the certification list of eligible candidates for a position with the Braintree Police Department.” (**emphasis added**)
- Paragraph 3, first sentence: “**I** believe that Mr. Minoie’s integrity is compromised and that his appointment as a police officer would be detrimental to the public interest.” (**emphasis added**)
- Paragraph 3, fourth sentence: “... **I** respectfully request that Mr. Minoie’s name be removed from the certification list of eligible candidates.”(**emphasis added**)

31. On May 19, 2014, Chief Jenkins sent an email to HRD with the subject line: “Certification List” stating: “I suspect that **my request** to have three names removed from our certification list has delayed my receipt of it, but could you give me any idea when I may be receiving the certification list. My hope is to hire officers in time for an August 11th academy.” (HRD Information Packet) (**emphasis added**)

32. HRD replied to Chief Jenkins’s email stating: “Good Afternoon Chief Jenkins- The referral list has been relased on #1860, today. The review has been completed on the PAR 09 requests and additional information is needed. Joseph Minoie – Is this information from a current application since no date was provided.” (HRD Information Packet)

33. Consistent with the above-referenced email, HRD did send Certification No. 01860 to Chief Jenkins on May 19, 2014 to appoint 8 of the first 17 highest willing to accept. (Exhibit 16)

34. The Town ultimately only appointed six (6) candidates from Certification No. 01860.
(Stipulated Fact)

35. Eight (8) candidates, including Mr. Minoie, whose names were all ranked *above* Chief Jenkins’s son, signed that Certification as willing to accept appointment. (Exhibit 16) Thus,

in order to reach the name of Chief Jenkins's son, at least three (3) of these eight (8) candidates would need to be bypassed and/or removed from the Certification and/or withdraw from consideration. (Testimony of Chief Jenkins)

36. On May 21, 2014, Chief Jenkins sent another email to HRD stating: "Thanks for releasing the certification list. In response to your questions, I offer the following: Joseph Minoie- My request to remove Mr. Minoie from the certification list is based on an application submitted to this Department on August 30, 2011. In this application and a subsequent interview, as testified to at a Civil Service by-pass hearing, Mr. Minoie demonstrated a pattern of deceitfulness. My concerns are outlined in the letter and documentation attached to my original request for removal. Mr. Minoie again filed applications on February 7, 2013 and again on December 10, 2013. Mr. Minoie continued to leave out requested biographical information, even after the several interactions he has had with the Department, including the aforementioned Civil Service by-pass hearing, where accuracy, completeness and truthfulness were constantly stressed." (HRD Packet)
37. On June 2, 2014, HRD approved the Town's request to remove Mr. Minoie's name from the eligible list of police officer candidates in Braintree. (HRD Packet and Stipulated Fact)
38. On July 28, 2014, Mr. Minoie filed the instant appeal with the Commission. (Stipulated Fact)
39. The Town did not complete the traditional background investigation of Mr. Minoie during the most recent hiring cycle or grant him an interview because of the concerns already established during the prior hiring cycle, including Mr. Minoie's alleged untruthfulness. (Testimony of Chief Jenkins)
40. As long as he is the Police Chief in Braintree, Chief Jenkins will not recommend or appoint Mr. Minoie based on his prior untruthfulness. (Testimony of Chief Jenkins)

41. On August 11, 2014, the Town appointed six (6) candidates as permanent, full-time police officers, including Chief Jenkins's son. (Stipulated Fact)
42. On August 26, 2014, a pre-hearing conference was held at the offices of the Commission. (Stipulated Fact)
43. On September 2, 2014, the Town's Mayor penned a letter to Mr. Minoie stating the reasons for bypassing him for appointment. (Exhibit 19)⁴
44. On September 29, 2014, a full evidentiary hearing was held at the offices of the Commission. Chief Jenkins testified on behalf of the Town and Mr. Minoie testified on his own behalf.
45. On October 27, 2014, Mr. Minoie filed an appeal with the Commission related to the September 2, 2014 bypass letter.
46. As part of the September 19, 2014 hearing, the Town presented an excerpt of Mr. Minoie's most recent application for employment (Pages 8 and 9 of 25), arguing that Mr. Minoie continued to be less than forthcoming by only listing his residential addresses back to 2009, despite being asked to provide such information for the past ten (10) years. (Exhibit 20)
47. I allowed the Town to submit Exhibit 20 with the proviso that it be supplemented with the entire application. The Town submitted the entire application two (2) days later. On Page 8 of the application package the instructions state: "List all residences during the last ten years or since age 15. Provide *complete* addresses (include markers such as Street, Drive, Road, East, West, etc. and unit or apartment number). Do not use P.O. Boxes. If the residence is a military base, identify name of base in address, nearest city, state and zip code. DO NOT LIST military barracks mates unless you shared individual quarters. If more space is need continue on page 25." (EMPHASIS IN ORIGINAL)

⁴ This bypass letter appears to be the result of a conversation I had with the parties at the August 26, 2014 pre-hearing conference regarding whether the non-selection here still constitutes a bypass.

48. The supplemental information contained Page 25 of the application in which Mr. Minoie provided residential address information back to 1998. (Exhibit 20)⁵

LEGAL STANDARD

Civil Service Law (G.L. c. 31)

The fundamental purpose of the civil service system is to guard against political considerations, favoritism, and bias in governmental hiring and promotion. The commission is charged with ensuring that the system operates on "[b]asic merit principles." Massachusetts Assn. of Minority Law Enforcement Officers v. Abban, 434 Mass. at 259, citing Cambridge v. Civil Serv. Comm'n., 43 Mass.App.Ct. at 304. "Basic merit principles" means, among other things, "assuring fair treatment of all applicants and employees in all aspects of personnel administration" and protecting employees from "arbitrary and capricious actions." G.L. c. 31, § 1.

Personnel decisions that are marked by political influences or objectives unrelated to merit standards or neutrally applied public policy represent appropriate occasions for the Civil Service Commission to act. Cambridge at 304.

State Ethics Law (G.L. c. 268A)

Section 19. (a) states: "Except as permitted by paragraph (b), a municipal employee who participates as such an employee in a particular matter in which to his knowledge he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, shall be punished

⁵ Based on Chief Jenkins's testimony before the Commission, it appears he was unaware that Mr. Minoie had provided this additional information on Page 25. However, Chief Jenkins also testified that, as part of the full hearing conducted in regard to the prior bypass appeal, Mr. Minoie testified that he had lived in Holbrook, which is not included on Page 25.

by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.”

The State Ethics Commission provides the following guidance regarding Section 19(a) on its website:

“A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else. (Emphasis added)

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

...

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.”

Section 19(b) states: “It shall not be a violation of this section (1) if the municipal employee first advises the official responsible for appointment to his position of the nature and circumstances of the particular matter and makes full disclosure of such financial interest, and receives in advance a written determination made by that official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee, or (2) if, in the case of an elected municipal official making

demand bank deposits of municipal funds, said official first files, with the clerk of the city or town, a statement making full disclosure of such financial interest, or (3) if the particular matter involves a determination of general policy and the interest of the municipal employee or members of his immediate family is shared with a substantial segment of the population of the municipality.”

Analysis

Chief Jenkins testified before the Commission that he recused himself from the most recent hiring cycle of police officers in Braintree because his son was among the candidates being considered for appointment. The record shows otherwise.

First, Chief Jenkins participated in the hiring cycle by delegating the matter to his subordinate, the Deputy Police Chief. Second, he had discussions with the Deputy Police Chief and members of the interview panel regarding a decision to remove at least two (2) candidates who were ranked above his son from the eligible list. Third, he penned multiple letters and/or emails to the state’s Human Resources Division requesting and supporting his decision to remove those higher-ranked candidates from the eligible list.

Even Chief Jenkins acknowledges that, in order for his son to be appointed, candidates ranked above his son needed to be bypassed or removed (via PAR 09) from the eligible list. As such, he should not have played any role in the decision to bypass and/or remove those higher-ranked candidates from consideration.

Chief Jenkins insists that he recused himself from the hiring cycle because, during his conversations with the interview panel, he “threw it back on them” in regard to whether the Town should seek to remove those candidates ranked higher than his son. Further, he stated that his correspondence to HRD was simply passing on the recommendations of the interview panel.

His argument is not persuasive. By engaging in substantive discussions with the interview panel about candidates ranked above his son, Chief Jenkins called into question the fairness and impartiality of the entire hiring process. Further, as noted in the findings, his correspondence with HRD did not state that he was conveying the recommendation of others. Rather, Chief Jenkins repeatedly made reference to *his* recommendation to remove Mr. Minoie from the eligible list, with no mention of others and/or that he had purportedly recused himself from the hiring process.

Chief Jenkins also testified that he “disclosed” his conflict to his Appointing Authority (the Mayor). In support of this, he cites to a December 20, 2013 letter from him to the Mayor regarding a prior hiring cycle (in which his son was on the eligible list but not within the statutory “2N+1” formula for consideration.) As part of that letter, Chief Jenkins wrote in part: “As you know, I had to recluse (sic) myself from the entire hiring process due to the fact that my son is on the list.” Ironically, even this letter from the Chief goes on to provide great detail about the hiring process, the recommendations of the interview panel, and a request to expand the number of candidates to be appointed. More importantly, however, this letter was not a request asking the Mayor for permission to participate in the hiring process. Rather, the Chief’s letter to the Mayor stated that he (the Chief) had recused himself from the hiring cycle due to his son being on the eligible list. Chief Jenkins’s actions do not support his statements that he recused himself from either of these hiring cycles.

Notwithstanding Chief Jenkins’s failure to actually recuse himself from this process, the undisputed facts here establish that it would be “detrimental to the public interest” to appoint Mr. Minoie as a Braintree police officer, thus justifying the decision by HRD to remove his name from the eligible list of candidates for this position.

As established in a (very) recent Commission decision related to his prior bypass, Mr. Minoie “failed to respond truthfully and completely to the questions in the application packet, failed to disclose an incident of domestic violence and failed to disclose two restraining orders.”

Police officers are expected to maintain reliability, integrity, credibility, and truthfulness in all aspects of their employment. In a series of disciplinary decisions, in which an appointing authority has an even higher burden of justifying its action than a decision to bypass a candidate for appointment, the Commission has consistently stated that untruthfulness disqualifies an individual from serving as a police officer. See MacHenry v Wakefield, 7 MCSR 94 (1994); Garrett v. Haverhill, 18 MCSR at 381, 385 (2005). Royston v Billerica, 19 MCSR 124, 128 (2006). Pearson v. Whitman, 16 MCSR 46, 50 (2003). Meaney v. Woburn, 18 MCSR 129, 133-35 (2005), Deshamias v. City of Westfield, 23 MCSR 418 (2009).

By failing to disclose, as part of a prior, but very recent, hiring cycle, highly relevant background information that would paint him in a bad light, Mr. Minoie failed to meet the high standards that are inherent in the duties and responsibilities of a police officer.

For this reason, HRD was justified in approving the Town’s request to remove Mr. Minoie from the current eligible list of candidates from Braintree police officer⁶ and Mr. Minoie’s appeal under Docket No. G1-14-180 is hereby *denied*.

Investigation Under G.L. c. 31, § 2(a)

G.L. c. 31, § 2(a) grants the Commission the authority to conduct investigations at its discretion. Prior investigations by the Commission have involved incidents, similar to what occurred here, where the appointment process was compromised by the involvement of an appointing authority whose relative was under consideration. For example:

⁶ Since HRD was justified in removing Mr. Minoie’s name from the eligible list of candidates, his non-selection does not constitute a bypass subject to appeal to the Commission. For this reason, Mr. Minoie’s bypass appeal, filed subsequent to the full hearing in this matter, is being dismissed. (See Case No. G1-14-247)

- In Investigation Re: 2010 / 2011 Review and Selection of Firefighters in the City of Springfield, I-11-208 (2011), the Commission found that the involvement of a Deputy Fire Chief whose son was a candidate for appointment tainted the appointment process. The Commission let the appointment stand but ordered that candidates bypassed for appointment be reconsidered in a subsequent hiring cycle where interviews would be conducted by an outside review panel.
- In Investigation Re: 2011 Review and Selection of Intermittent Police Officers in the Town of Oxford, I-11-280 (2011), the Commission found that the involvement of a Selectman whose niece was a candidate for appointment tainted the appointment process. The Commission halted the then-ongoing appointment process, prohibited two (2) selectmen from participating in the hiring process and ordered the use of an outside review panel to evaluate the candidates.
- In Investigation Re: 2009 Review and Selection of Reserve Police Officer in the City of Methuen, I-09-290 (2009), the Commission found that the Police Chief's involvement in a hiring process in which her niece was a candidate tainted the appointment process. The Commission effectively rescinded the appointment of the Police Chief's niece and ordered a new review process.

Here, as part of this PAR 09 removal appeal, similar to the conclusions reached in the above-referenced investigations, I have found that the Town's Police Chief incorrectly involved himself in a hiring process in which his son was a candidate. For this reason, the Commission, pursuant to its authority under G.L. c. 31, § 2(a), hereby orders the Town, within sixty (60) days of the issuance of this order, to show cause why the Commission should not initiate an investigation and, as appropriate, issue orders to prevent such occurrences in the future. As part of its

response, the Town is encouraged to submit its own recommendations regarding remedial actions that the Town, on its own, will take to prevent such occurrences in the future. Any such proposed corrective action plan will be considered by the Commission in determining whether an investigation is warranted. All correspondence related to this request should be filed under CSC Tracking No. I-14-245

SO ORDERED.

Civil Service Commission

/s/ Christopher C. Bowman

Christopher C. Bowman

Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell, and Stein, Commissioners) on November 13, 2014.

Either party may file a motion for reconsideration within ten days of the receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(l), the motion must identify a clerical or mechanical error in this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision.

Notice:

Joseph Minoie (Appellant)

Brian Maser, Esq. (for Respondent)

John Marra, Esq. (HRD)